



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

OCT 25 2016

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Eugene P. Barrett
Executive Director
Scranton Sewer Authority
312 Adams Avenue
Scranton, Pennsylvania 18503

Re: **EPA & PADEP v. Scranton Sewer Authority, Civil No. 3:09-1873 (M.D.Pa)**
Demand for Stipulated Penalties

Dear Mr. Barrett:

The purpose of the Consent Decree for the Scranton Sewer Authority (Authority or SSA) to take all measures necessary to comply with the Clean Water Act and the water pollution control laws of the Commonwealth of Pennsylvania, to ensure compliance with the Authority's NPDES permit limitations and Consent Decree requirements. Furthermore, the requirements in the Consent Decree are to ensure proper operation and maintenance of the wastewater treatment plant (WWTP) and the collection system, and to implement the Long Term Control Plan. This letter addresses recent failures by the Authority regarding operation of the WWTP and the collection system. For clarity, the Environmental Protection Agency (EPA) included with this letter an attachment entitled "Summary of Consent Decree Violations by Scranton Sewer Authority" (Summary), which provides further detail of each violation and associated stipulated penalty demand.

As described in the attached Summary, from December 2015 through April 2016, SSA exceeded NPDES effluent limits for Total Suspended Solids (TSS) on ten occasions in violation of Paragraph 15.a. of the Decree. For the ten (10) effluent violations of the NPDES effluent limits for TSS, pursuant to Paragraph 40.e. of the Decree, EPA and the Pennsylvania Department of Environmental Protection (PADEP) demand a total of \$19,500.

SSA also had two Dry Weather Overflows (DWOs) on March 1, 2016 and June 10, 2016 in violation of Paragraph 16 of the Decree. Finally, in violation of Paragraph 19 of the Decree, SSA had two sanitary sewer overflows (SSOs) on March 20, 2016 and April 22, 2016 that both discharged into Lake Scranton, a drinking water source. For the two DWOs and two SSOs, pursuant to Paragraph 40.a. of the Decree, EPA and PADEP demand a total of \$3,000. Additional details are provided in the Summary.



On February 15, 2016, the SSA failed to comply with the requirement to provide written notification of anticipated noncompliance as required by Paragraph 20 of the Consent Decree and the current NPDES Permit as set forth in Part A, § III.C.2. SSA failed to notify PADEP that it anticipated that it would be unable to treat the combined storm and sewage flow through the WWTP as required by its NPDES permit because its grit removal system would be removed from service. During the time the grit removal system was down for service, SSA failed to convey the peak sanitary flow of 39 MGD through the WWTP for an hour as required by the NPDES permit. Scranton discharged 9.68 million gallons from CSO 003 (without receiving any treatment). For this violation EPA and PADEP demand \$500 in stipulated penalties as provided in Paragraph 38 of the Decree for failure to provide written notification of anticipated noncompliance.

The U.S. EPA and PADEP demand that the SSA pay total stipulated penalties in the amount of \$23,000 for the violations described above that occurred in December 2015 through June 2016.

According to Paragraph 45 of the Consent Decree, one half of this amount, \$11,500 is to be paid to the United States and one half to the Commonwealth of Pennsylvania within thirty (30) days of a written demand. All stipulated penalties payable to the United States shall be paid in accordance with the procedures set forth in Paragraphs 34 and 49 of the Consent Decree, and all stipulated penalties payable to the Commonwealth of Pennsylvania shall be paid in accordance with the procedures set forth in Paragraph 50.

Your cooperation in this matter is appreciated. If you have technical questions regarding this matter, please contact Mr. Steve Maslowksi, Enforcement Officer at (215) 814-2371. If you have legal questions, please contact Mr. Christopher Day, Senior Assistant Regional Counsel, at (215) 814-2481.

Sincerely,



Jon Capacasa
Director, Water Protection Division

Enclosure:

cc: Daniel Smith, Esq., U.S. Department of Justice
Jeffery Belardi, Esq.
Paul Calamita, Esq.
Christopher Day, Esq. EPA
Steve Maslowski, EPA
Joseph Cigan, Esq., PADEP
BR Patel, PADEP

Summary of Consent Decree Violations by Scranton Sewer Authority

Summary of Scranton Sewer Authority's Effluent Violations

Date	Parameter	Reported Value	Permit Limit	CD Requirement and Penalty Amount
December 2015	TSS	10,272 lbs./week	9,400 lbs./week	Paragraph 15 \$1,500
December 2015	TSS	Monthly Ave 38 mg/L	Monthly Ave 30 mg/L	Paragraph 15 \$3,000
December 2015	TSS	Max weekly 66 mg/L	Max weekly 45 mg/L	Paragraph 15 \$1,500
January 2016	TSS	Monthly Ave 48 mg/L	Monthly Ave 30 mg/L	Paragraph 15 \$3,000
January 2016	TSS	Max weekly 92 mg/L	Max weekly 45 mg/L	Paragraph 15 \$1,500
February 2016	TSS	Monthly Ave 31 mg/L	Monthly Ave 30 mg/L	Paragraph 15 \$3,000
February 2016	TSS	Max weekly 68 mg/L	Max weekly 45 mg/L	Paragraph 15 \$1,500
March 2016	TSS	Max weekly 59 mg/L	Max weekly 45 mg/L	Paragraph 15 \$1,500
April 2016	TSS	11,610 lbs./week	9,400 lbs./week	Paragraph 15 \$1,500
April 2016	TSS	Max weekly 69 mg/L	Max weekly 45 mg/L	Paragraph 15 \$1,500

Summary of Scranton Sewer Authority's Dry Weather Overflows and Sanitary Sewer Overflows

Date	Violation Description	Overflow Volume	CD Requirement and Penalty Amount
March 1, 2016	DWO CSO 063 Olyphant- Found the outfall discharging during an inspection	Estimated Volume 1,000 gallons	Subparagraph 16 a \$750
March 20, 2016	SSO caused by a blocked sewer line that discharged out a manhole into Waters of US, Lake Scranton a drinking water source	Estimated Volume 200 gallons	Subparagraph 16 a \$750
April 22, 2016	SSO caused by a blocked sewer line that discharged out a manhole into Waters of US, Lake Scranton a drinking water source	Estimated Volume 200 gallons	Subparagraph 16 a \$750

June 10, 2016	DWO at CSO 026, caused by debris in regulator and lasted for 40 minutes from time of discovery	Unknown volume	Subparagraph 16 a \$750
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Failure to Notify Reporting of Anticipated Non-Compliance

Date	Violation		CD Requirement and Penalty Amount
February 16 &, 2016	Failure to comply with the provisions of the NPDES Permit requiring the reporting of anticipated non-compliance with the NPDES Permit, which, as of the Effective Date, are described in Part A, § III.C.2 of the NPDES Permit.	SSA failed to provide prior notification to PADEP that the grit removal would be taken out of service, and that SSA would thus be unable to treat the combined storm and sewage flow through the WWTP as required by its NPDES permit	Subparagraph 20. \$500